

An Exploratory Study of Internet Control and Surveillance

Babajide, A.O.

Department of Sociology
Ahmadu Bello University
Zaria, Nigeria
adekunlebabajide50@yahoo.com

Odumesi, J.O.

E-Learning Department
Civil Defence Academy
FCT, Nigeria
olayemijohn@yahoo.com

ABSTRACT

Series of events in recent years have forcefully brought global public attention to the situation around internet freedom. In Nigeria, there has been a trend of increasing budgetary allocation for surveillance equipment including internet communications monitoring. In order to ensure this study achieves its aims and objectives, qualitative methodology was used to collect data through in-depth interview. The non-probabilistic sampling technique that was used for this study is purposive sampling and the unit of analysis is organisation. Five information-rich subset of stakeholders in internet censorship and surveillance in Nigeria were interviewed namely; Office of the National Security Adviser (ONSA), Nigeria Information Technology Development Agency (NITDA), Nigeria Communications Commission (NCC), Paradigm Initiative Nigeria (PIN) and Cybersecurity Expert Association of Nigeria (CSEAN). The study established that, there is no specific law defining internet control and surveillance in Nigeria, thus, what constitutes internet control and surveillance is not defined in any written law in Nigeria. However, there are existing legislations that violates internet users' privacy in Nigeria. The study recommended that, Nigerian government should adhere to the United Nations Human Rights Commission resolution that effectively makes internet access a basic human right.

Keywords - internet control; censorship; surveillance; freedom; Nigeria

CISDI Journal Reference Format

Babajide, A.O. & Odumesi, J.O. (2016): An Exploratory Study of Internet Control and Surveillance. Computing, Information Systems, Development Informatics & Allied Research Journal. Vol 7 No 4. Pp 217-224. Available online at www.cisdijournal.net

1. INTRODUCTION

The Internet has been considered as a medium for promoting global freedom of expression (Stevenson 2007). The Internet was created as an open communications system which would enable academics to collaborate and interchange ideas and information without being tied to hierarchical restriction (Leiner et al., 2003). However, these ideas of a free and ungoverned Internet have proven to be delusive as many national governments have found ways to control, censor, and govern the Internet. Internet activities are under the control of governments around the world as laws, regulations, blockades and censorship under various guises, in the name of protecting financial transactions and most importantly national security. By virtue of its decentralized design many people have regarded the Internet to be immune from state control (Deibert and Villeneuve 2004). However, the Internet has never been excluded from censorship and surveillance by administrative authorities.

Internet accessibility in Nigeria has grown exponentially with the advent of mobile phone data and fixed wireless access services. However, there has not been any talk about the state of internet freedom in Nigeria. In 2013, the Nigerian government awarded \$40million contrast to an Israeli company to monitor computer and internet communication by Nigerians. Emmanuel (2013) maintained that the Nigerian government secretly and in open violation of lawful contracting procedures, has awarded an Israeli firm, Elbit Systems, a \$40million contract to help it spy on citizens' computer networks and Internet communications under the shape of intelligence gathering and national security.

1.1. Research Objectives

The main objective is to provide information and analysis for the Nigerian government by examining how freely her citizens can express their social, economic and political opinions on the internet by finding the right balance between internet privacy and national security of her citizens.

The specific objectives are as follows:

4. To prescribe the fundamental privacy rights of citizens and define the legal framework around surveillance
5. To identify sufficient safeguards against abuse and opportunities for redress where infringement occurs.
6. To outline provisions for interception without sacrificing the freedom of citizens or their constitutional right to communicate freely on the Internet.

1.2 Research Questions

This research study aims to assess the impact of internet control and surveillance on Nigerian citizens. The study then attempts to answer the following questions:

5. Are there any legal provisions that violate internet users' privacy in Nigeria?
6. Are there any legal provisions for addressing any form of challenges towards national internet infrastructure?
7. How do agencies handle internet control related cases/issues in Nigeria?
8. What is the general public perception about internet control in Nigeria?

2. NIGERIA INTERNET FREEDOM STATUS

The internet penetration policies of the Nigerian government have yielded unprecedented growth and leading to increased dependence on information and communication technology in Nigeria (Odumesi, 2015). He further maintained that, the total active internet subscribers on both Global System for Mobile communications and Code Division Multiple Access in Nigeria are 97,212,364. The total internet subscribers represent 69% or 54% of population census of 2006 (National Population Commission, 2016) or worldometers of 2014 respectively.

Table 1: Active Internet Subscriptions (Global System for Mobile communications)

GSM Networks	October 2012	October 2013	October 2014	September 2015
Airtel	4,807,124	9,650,631	13,831,804	17,730,955
Etisalat	4,800,683	5,640,789	5,800,277	15,598,070
Globacom	885,649	12,975,809	15,843,258	21,896,229
MTN	15,878,288	29,347,442	38,637,446	41,411,846
Total	26,329,908	57,840,299	73,869,523	97,060,548

Nigerian Communications Commission, 2015

Table 2: Active Internet Subscriptions (Code Division Multiple Access)

GSM Networks	October 2012	October 2013	October 2014	September 2015
Multilinks	43,833	11,592	1,717	286
Starcomms	91,539	15,859	N/A	N/A
Visafone	78,975	143,449	155,660	151,530
Total	228,237	169,149	157,377	151,816

Nigerian Communications Commission, 2015

According to Internet Live Stats (2016), Nigeria internet users stand presently at 86,219,965 with a share of Nigeria population (Penetration) at 46.1% and total population at 186,987,563.

Table 3: Nigeria Internet Users

YEAR	INTERNET USERS	PENETRATION (% OF POPULATION)	TOTAL POPULATION	NON USERS (INTERNETLESS)	1Y USER CHANGE	1Y USER CHANGE	POPULATION CHANGE
2016	86,219,965	46.1%	186,987,563	100,767,598	5%	4,124,967	2.63%
2015	82,094,998	45.1 %	182,201,962	100,106,964	8.4 %	6,348,247	2.66 %
2014	75,746,751	42.7 %	177,475,986	101,729,235	15.3 %	10,076,474	2.7 %
2013	65,670,276	38 %	172,816,517	107,146,241	19 %	10,487,424	2.72 %
2012	55,182,852	32.8 %	168,240,403	113,057,551	18.5 %	8,622,851	2.73 %
2011	46,560,001	28.4 %	163,770,669	117,210,668	21.7 %	8,298,063	2.73 %

Internet Live Stats (2016)

Abegunrin (2003) maintained that, press freedom and the space for free expression have since increased with the returned to civilian governance after almost 30 years of military rule in 1999.

Table 4: Nigeria Internet Freedom Status

Year	2011	2012	2013	2014	2015
Population	158million	170 million	170million	173.6 million	177.5 million
Internet Penetration	28%	28%	33%	38%	43%
Social Media	No	No	No	No	No
Political/Social Content Blocked	No	No	No	No	No
Bloggers/ICT Users Arrested	Yes	Yes	Yes	Yes	Yes
Press Freedom Status	Partly Free	Partly Free	Partly Free	Partly Free	Partly Free

Freedom on the net (2016)

3. RESEARCH METHODOLOGY

Data for this study was collected using qualitative method. The qualitative data was collected through in-depth interview. For the in-depth interview, one key respondent from each of the selected government agencies and non-governmental agencies in charge of internet censorship and surveillance in Nigeria was selected for the course of study. This study made use of non-probability sample. The non-probabilistic sampling technique that was used for this study is purposive sampling. This technique was chosen because the researchers are interested in a particular information-rich subset of stakeholders in internet censorship and surveillance in Nigeria. The study population comprised the Office of the National Security Adviser (ONSA), National Information Technology Development Agency (NITDA), Nigeria Communications Commission (NCC), Paradigm Initiative Nigeria (PIN) and Cybersecurity Expert Association of Nigeria (CSEAN).

4. PRESENTATION OF RESULTS

The results of the interviews conducted to the selected information-rich subset of stakeholders in internet censorship and surveillance in Nigeria are as follows:

Table 5: Legal provisions to address internet control in Nigeria

Question No. 1: What legal provisions or instruments are available within the Nigeria laws to address internet control?	
Office of the National Security Adviser (ONSA)	No precise legislation on internet control in Nigeria. However, Nigeria Cybercrime Act 2015, Nigeria Cybersecurity Policy and Strategy are the current approaches used addressing internet control.
Nigeria Information Technology Development Agency (NITDA)	Numerous laws such as the NITDA Act 2007.
Nigeria Communications Commission (NCC)	Nigeria Cybercrime Act 2015, Nigeria Communications Commission Act 2003, Guidelines for the provision of internet service published in pursuant to Section 70 (2) of the Nigeria Communications Commission Act 2003.
Cybersecurity Expert Association of Nigeria (CSEAN)	Nigeria Cybercrime Act 2015
Paradigm Initiative Nigeria (PIN)	Section 38 of Nigeria Cybercrime Act 2015, The Part 1 of the draft lawful interception of communications regulation by Nigeria Communications Commission Act 2003, Sections 146 and 147 of the Nigeria Communications Commission Act 2003, Terrorism Prevention (Amendment) Act 2013 and Mobile Number Portability regulation 2013 by Nigeria Communications Commission.

Table 5 reveals that, there is no specific legislation on internet control and surveillance in Nigeria. As a result, what constitutes internet control and surveillance is not defined in any written law in Nigeria.

Table 6: How internet control is been ensured in Nigeria

Question No. 2: How does your organization ensure internet control?	
Office of the National Security Adviser (ONSA)	Not applicable but Section 3 of Nigeria Cybercrime Act 2015 ensure protection of critical information infrastructures.
Nigeria Information Technology Development Agency (NITDA)	NITDA Act 2007.
Nigeria Communications Commission (NCC)	<p>Although the NCC regulates the telecommunications service providers, issues of internet control have been a major concern nationally and internationally especially as they relate to content, safety of minors and vulnerable audiences.</p> <p>The internet in Nigeria is not controlled. Although, provisions had been made in the license document on the provider's obligations. Thus, activities in this area have been mostly self-regulatory.</p> <p>However, NCC has made provisions via the development of frameworks and industry code of practice (Mutually developed set of agreed codes and practices) that will guide the industry, supporting a co-regulatory approach.</p>
Cybersecurity Expert Association of Nigeria (CSEAN)	Not applicable as CSEAN is a professional body.
Paradigm Initiative Nigeria (PIN)	Not applicable as PIN is a social enterprise.

Table 6 shows internet control is been ensured through existing legislations and co-regulatory agreement between the Nigerian government and the private sector.

Table 7: Protection of internet infrastructure in Nigeria

Question No. 3: What challenges has your organization encountered in its efforts to protect national internet infrastructure?	
Office of the National Security Adviser (ONSA)	<p>Part Seven (7) of Nigeria National Cybersecurity Policy provide legal framework for addressing any form of challenges towards national internet infrastructure.</p> <p>Chapter Six (6) of Nigeria National Cybersecurity Strategy presents government approach to national internet infrastructure protection and resilience.</p>
Nigeria Information Technology Development Agency (NITDA)	Implementation of local content in information technology infrastructure.
Nigeria Communications Commission (NCC)	The concern over telecoms infrastructure vandalism led to the need to declare it a critical national infrastructure. In line to this, NCC has sponsored the critical national infrastructure bill which is yet to be passed into law.
Cybersecurity Expert Association of Nigeria (CSEAN)	Not applicable.
Paradigm Initiative Nigeria (PIN)	Not applicable.

Table 7 indicates that, existing frameworks are used to address protection internet infrastructure in Nigeria while awaiting the passage of the Critical National Security Infrastructure Bill into law.

Table 8: Handling of internet control related cases/issues

Question No. 4: Does your agency handle any aspects of internet control related cases/issues?	
Office of the National Security Adviser (ONSA)	No.
Nigeria Information Technology Development Agency (NITDA)	No.
Nigeria Communications Commission (NCC)	NCC is not a security agency. However, NCC is in the process of establishing a sectorial Computer Security Incident Response Team that will receive reports of security breaches, conduct analyses of the reports, etc.
Cybersecurity Expert Association of Nigeria (CSEAN)	No.
Paradigm Initiative Nigeria (PIN)	No.

Table 8 reveals that, no security agency, governmental parastatals or private entities in Nigeria is handling any aspects of internet control. However, the survey further reveals that, Nigeria Communications Commission is in the process of establishing a sectorial Computer Security Incident Response Team which will eventually address internet control related cases/issues in Nigeria.

Table 9: Review of current agencies law to address internet control in Nigeria

Question No. 5: Do you think there should be a review of your agency current laws on internet control?	
Office of the National Security Adviser (ONSA)	Yes.
Nigeria Information Technology Development Agency (NITDA)	Yes.
Nigeria Communications Commission (NCC)	Yes, as the NCC Act is currently being reviewed.
Cybersecurity Expert Association of Nigeria (CSEAN)	Not applicable.
Paradigm Initiative Nigeria (PIN)	Not applicable.

Table 9 shows that, government owned entities and less of private entities accepted to the need to review their current laws in order to address internet control in Nigeria

Table 10: Investigating internet surveillance related cases/issues

Question No. 6: Does your agency establishment Act/Law empower you to investigate or carry out any form of internet surveillance related cases/issues?	
Office of the National Security Adviser (ONSA)	No.
Nigeria Information Technology Development Agency (NITDA)	Yes.
Nigeria Communications Commission (NCC)	No. NCC is not a security agency and as such it does not carry out any form of internet surveillance.
Cybersecurity Expert Association of Nigeria (CSEAN)	No. CSEAN is not a security agency.
Paradigm Initiative Nigeria (PIN)	No. PIN is not a security agency.

Table 10 reveals that, no agency is empowered by any law to investigate internet surveillance related cases/issues in Nigeria.

Table 11: Collaborating in cases/issues related to internet surveillance

Question No. 7: Which sister agency does your agency collaborate more with in cases/issues related to internet surveillance?	
Office of the National Security Adviser (ONSA)	ONSA does not carry out surveillance on internet activities.
Nigeria Information Technology Development Agency (NITDA)	Nigeria Communications Commission (NCC) and Nigeria Internet Registration Agency (NIRA).
Nigeria Communications Commission (NCC)	NCC does not carry out or engage in internet surveillance but collaborates with a number of agencies on issues that border on Cybersecurity, cyber incidences and internet governance.
Cybersecurity Expert Association of Nigeria (CSEAN)	Not applicable.
Paradigm Initiative Nigeria (PIN)	Not applicable.

Table 11 indicates that, only Nigeria Information Technology Development Agency (NITDA) collaborate with Nigeria Communications Commission (NCC) and Nigeria Internet Registration Agency (NIRA) on cases relating to internet surveillance. However, the collaboration is based to enforcement and policy formulation on information technology usage in Nigeria.

Table 12: Mode of collaboration on internet surveillance related cases/issues

Question No. 8: What mode of collaboration does your agency has with other sister agencies on internet surveillance related cases/issues?	
Office of the National Security Adviser (ONSA)	Not applicable.
Nigeria Information Technology Development Agency (NITDA)	Enforcement and policy formation.
Nigeria Communications Commission (NCC)	Not applicable.
Cybersecurity Expert Association of Nigeria (CSEAN)	Not applicable.
Paradigm Initiative Nigeria (PIN)	Not applicable.

Table 12 further indicates the findings in Table 11 that, there is no specific legal empowerment towards collaboration among agencies on internet surveillance related cases/issues.

Table 13: Recent internet control cases in Nigeria

Question No. 9: Are there any recent internet control cases in Nigeria, which demonstrates the importance of having laws for internet control?	
Office of the National Security Adviser (ONSA)	None, as ONSA does not involve in internet control.
Nigeria Information Technology Development Agency (NITDA)	None.
Nigeria Communications Commission (NCC)	NCC does not carry out such functions; as such, it is difficult to ascertain the number of internet control incidences.
Cybersecurity Expert Association of Nigeria (CSEAN)	None.
Paradigm Initiative Nigeria (PIN)	None.

Table 13 indicates that, there is no none internet incidences that necessity the importance of having a specific legislation towards internet control and surveillance.

Table 14: General awareness about internet control in Nigeria

Question No. 10: What is your perception of the general awareness about internet control in Nigeria?	
Office of the National Security Adviser (ONSA)	The general public believes the internet is controlled by government in Nigeria, but it is not.
Nigeria Information Technology Development Agency (NITDA)	Internet control is still at embryonic state in Nigeria.
Nigeria Communications Commission (NCC)	None.
Cybersecurity Expert Association of Nigeria (CSEAN)	Low level of awareness.
Paradigm Initiative Nigeria (PIN)	Government should not seek to intimidate individuals and organizations in the process of internet surveillance.

Table 14 shows that, the general public believes the internet usage is been monitored by the Nigerian government which violates their privacy rights.

5. DISCUSSION OF THE FINDINGS

The study investigated internet control and surveillance in Nigeria. The study sought to find out the current legislations used in addressing internet control in Nigeria, protection of internet infrastructure, handling of internet control related cases/issues and general awareness about internet control in Nigeria. From the data presentation and analyses, it was deduced that there is no specific law defining internet control and surveillance in Nigeria, thus, what constitutes internet control and surveillance is not defined in any written law in Nigeria. However, there are existing legislations that violates internet user privacy in Nigeria, they are; Section 38 of Nigeria Cybercrime Act 2015, Nigeria National Cybersecurity Policy and Strategy, NITDA Act 2007, Sections 146 and 147 of the Nigeria Communications Commission Act 2003, The Part 1 of the draft lawful interception of communications regulation by Nigeria Communications Commission Act 2003, , Guidelines for the provision of internet service published in pursuant to Section 70 (2) of the Nigeria Communications Commission Act 2003, Terrorism Prevention (Amendment) Act 2013 and Mobile Number Portability regulation 2013 by Nigeria Communications Commission.

From the survey data, protection of internet infrastructure is presently covered under Section 3 of Nigeria Cybercrime Act 2015, Part Seven (7) of Nigeria National Cybersecurity Policy provide legal framework for addressing any form of challenges towards national internet infrastructure and Chapter Six (6) of Nigeria National Cybersecurity Strategy presents government approach to national internet infrastructure protection and resilience. Also, the concern over telecoms infrastructure vandalism led to the need to declare it a critical national security infrastructure and in line to this, the critical national infrastructure bill is presently on the floor of the National Assembly which is yet to be passed into law.

In exploring the survey data, on how agencies handling of internet control related cases/issues in Nigeria. It was revealed that, there is no specific agency assign by law to investigate internet control and surveillance related cases/issues. However, Nigeria Information Technology Development Agency (NITDA) indicated that; it ensures enforcement towards policy framework on the use of information technology as well as administering Nigeria's country code top level domain (.ng).

In examining the general awareness level about internet control in Nigeria, it was observed that, the general public believes the internet usage is been monitored by the Nigerian government. Although, indications from the survey data, reveals that internet control is still at embryonic stage as there are existing legislations that threatens citizen's fundamental rights on the internet. Also, other government surveillance efforts were revealed in the publicly available summary of the federal government's 2014 budget proposal, which budgeted NGN 415 million (US\$2.6 million) for a "Data Retention System", NGN 359 million (US\$2.2 million) for a "GSM Passive Off-the-air Interception System" and NGN 350 million (US\$2.2 million) for a "Strontium Sky Diligent Recon System" under the Directorate of State Security Services.

6. CONCLUSION

The findings reveal that, there is no specific law defining internet control and surveillance in Nigeria, thus, what constitutes internet control and surveillance is not defined in any written law in Nigeria. However, there are existing legislations that violates internet user privacy in Nigeria, they are; Section 38 of Nigeria Cybercrime Act 2015, Nigeria National Cybersecurity Policy and Strategy, NITDA Act 2007, Sections 146 and 147 of the Nigeria Communications Commission Act 2003, The Part 1 of the draft lawful interception of communications regulation by Nigeria Communications Commission Act 2003, , Guidelines for the provision of internet service published in pursuant to Section 70 (2) of the Nigeria Communications Commission Act 2003, Terrorism Prevention (Amendment) Act 2013 and Mobile Number Portability regulation 2013 by Nigeria Communications Commission.

The findings further indicated that, the general public believes the internet usage is been monitored by the Nigerian government. Although, there has been no evidence that the Nigerian agencies proactively monitor internet and mobile phone communications but they are other government surveillance efforts were revealed in the publicly available summary of the federal government's 2014 budget proposal, which budgeted NGN 415 million (US\$2.6 million) for a "Data Retention System", NGN 359 million (US\$2.2 million) for a "GSM Passive Off-the-air Interception System" and NGN 350 million (US\$2.2 million) for a "Strontium Sky Diligent Recon System" under the Directorate of State Security Services.

The Nigerian government must understand the legal and socio-economic implications of the various threats to Internet Freedom and seek to, while combating security threats, find the right balance between privacy of its citizens and security of the nation. Citizen and Internet business participation is needed to create a safe and free Internet and government should not seek to intimidate individuals and organisations that bring these rights violations to the attention of all stakeholders. There is evidence within Africa and elsewhere that the effect of increasing government monitoring of Internet communications is the stifling and silencing of freedom of expression, which creates a numb and inert civil society incapable of any engagement with government. This society cannot be safe for anyone, including present-day political authorities, who will at some point become ordinary citizens again.

7. RECOMMENDATIONS

Based on the findings of this study, the researchers suggest the following:

5. The Nigerian government should adhere to the United Nations Human Rights Commission has passed a non-binding resolution that effectively makes internet access a basic human right. Thus, any country that denies that right is violating the human rights of its citizens.
6. The Nigerian government should amend where necessary any legislation or jettison any act that will violate internet users' privacy.
7. There is a need for more openness from the Nigerian government to allow a public debate on the internet surveillance to ensure better inclusion.
8. It should be noted that, unwarranted intrusion on the privacy of citizens as a result of the present security situation in Nigeria will only lead to the rapid collapse of the digital economy in the country and the wiping out of the benefits gained from the internet.

8. FUTURE RESEARCH

The researchers were unable to gain access to the Nigeria Internet Registration Agency (NIRA). However, it is pertinent to look into the role they play with respect to internet control and surveillance on the management of the Nigeria's country code Top Level Domain (ccTLD) on behalf of the Nigerian government. Lastly, the researchers recommend a further study into citizen's perception on internet control and surveillance in Nigeria.

REFERENCES

1. Abegunrin, O (2003). *Nigerian Foreign Policy Under Military Rule, 1966–1999*. Westport, CT: Praeger.
2. Deibert, R and Villeneuve, N (2004). "Firewalls and power: An overview of global state censorship of the Internet," In: Andrew Murray and Mathias Klang (editors). *Human rights in the digital age*. London: GlassHouse.
3. Emmanuel, O (2013). Jonathan awards \$40million contract to Israeli company to monitor computer, Internet communication by Nigerians. *Punch Newspaper*.
4. <http://www.premiumtimesng.com/news/131249-exclusive-jonathan-awards-40million-contract-to-israeli-company-to-monitor-computer-internet-communication-by-nigerians.html> (Accessed May 2nd, 2016).
5. Freedom on the net (2016). <https://freedomhouse.org/country/nigeria> (Accessed May 10th, 2016).
6. Internet Live Stats (2016). <http://www.internetlivestats.com/internet-users/nigeria/> (Accessed May 10th, 2016).
7. Leiner, B. M., Cerf, V. G., Clark, D. D., Kahn, R. E., Kleinrock, L., Lynch, D. C., Postel, J., et al. (2003). A brief history of the Internet. *Internet Society*, 10. Retrieved April 20th, 2016 from
8. <http://www.internetsociety.org/internet/what-internet/history-internet/brief-history-internet>
9. National Population Commission (2016). <http://www.population.gov.ng/index.php/fct-abuja> (Accessed May 30th, 2016).
10. Odumesi, J.O (2015). Approaches to Increase Public Awareness on Cybersecurity. https://www.researchgate.net/publication/292991582_Approaches_to_Increase_Public_Awareness_on_Cybersecurity (Accessed April 27th, 2016).
11. Stevenson, C (2007). Breaching the great firewall: China's Internet censorship and the quest for freedom of expression in a connected world. *Boston College International and Comparative Law Review* 2007; 30: 531-558.
12. Worldometers (2014). <http://www.worldometers.info/world-population/nigeria-population/> (Accessed May 30th, 2016).